

**3 RIVERS PCS, INC. d/b/a
3 RIVERS WIRELESS
P.O. BOX 3387
GREAT FALLS, MONTANA 59403-3387**

Magalie Roman Salas, Secretary
Federal Communications Commission
Washington, D.C. 20554

**Re: CC Docket No. 94-102
Broadband PCS Station WPOI209
Fourth Quarterly Report and Waiver Request**

Dear Ms. Salas:

This report is filed pursuant to the Commission's *Fourth Report and Order*, in CC Docket No. 94-102, released December 14, 2000.

3 Rivers PCS, Inc. d/b/a 3 Rivers Wireless (3 Rivers) is the licensee of station WPOI209 in the Broadband Personal Communications Service (PCS). Station WPOI209 is a license partitioned from the 30 MHz Block A license granted to GTE Macro Communications Corporation (GTE), on June 23, 1995, for the Spokane-Billings Major Trading Area (MTA). On April 17, 1997, the Commission approved the application to partition to 3 Rivers a portion of GTE's license for the Spokane-Billings MTA, to include the Great Falls, Billings, Bozeman, Helena and Butte (except for Powell County) Basic Trading Areas. 3 Rivers utilizes Nortel's CDMA equipment for its PCS network.

We are continuing to follow the progress of the Wireless TTY Forum and are continuing to work with our switch supplier, Nortel Networks, and our handset vendors toward effecting compliance with the Commission's requirements for providing TTY access to E-911 calling systems over our PCS facilities. The attachment hereto details the progress we have made since our third quarterly filing

For the reasons set forth in item 1 of the attachment, and pursuant to Section 1.3 of the Commission's Rules, 3 Rivers hereby requests a waiver of the December 31, 2001 deadline in the *Fourth Report and Order*¹ in the referenced proceeding for carriers operating digital wireless systems to have obtained all software upgrades and equipment necessary to make their systems capable of transmitting 911 calls from TTY devices.

¹ In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Fourth Report and Order*, CC Docket No. 94-102, 15 Fcc Rcd 25216, 65 Fed. Reg. 82293 (December 28, 2000), ("*Fourth Report and Order*").

Pursuant to the quarterly reporting requirements set forth in the *Fourth Report and Order* in CC Docket No. 94-102, 3 Rivers has periodically informed the Commission of its progress in meeting these deadlines and the status of the technological solutions aimed toward attaining that goal. 3 Rivers has advised the Commission that matters beyond its control might affect its ability to meet these deadlines.

As show in item 1 of the attachment hereto, the costs associated with deploying TTY-compatible software will require a capital expenditure of almost one million dollars. Moreover, 3 Rivers is largely at the mercy of its switch supplier and handset vendors in achieving compliance in a timely manner. To date, 3 Rivers has received no quote or timeline for this project from its switch supplier; and it appears that handset development has not proceeded at the pace that was anticipated at the end of this year's third quarter. Accordingly, due to circumstances beyond its control and despite its diligent efforts, 3 Rivers has not been able to meet the December 31, 2001 deadline. Indeed, it now appears questionable whether 3 Rivers will be able to meet the requirement of Section 20.18(c) of the Commission's Rules, with respect to the June 30, 2002 deadline for operators of digital wireless systems to be capable of transmitting 911 calls through the use of TTY devices.

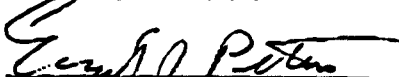
3 Rivers will make a further evaluation in the first quarter of 2002 and, if necessary, will file a request for waiver of the June 30, 2002 deadline. In the interim, 3 Rivers submits that there is ample justification in the public interest for the Commission to waive the December 31, 2001 requirement.

Respectfully submitted,

3 Rivers PCS, Inc. d/b/a

3 Rivers Wireless

By:


Officer

Dated: December 31, 2001

Of Counsel:

Harold Mordkofsky
Blooston, Mordkofsky, Dickens, Duffy & Prendergast
2120 L Street, N.W.
Washington, DC 20037
TeL (202) 828-5520
Fax (202) 828-5568
Email halmor@bloostonlaw.com

**3 Rivers PCS, Inc. d/b/a 3 Rivers Wireless
E911 TTY Device Capability Report as of December 31, 2001**

Development Activities

- 1) **Network Infrastructure Software Development** – In our third quarterly report, filed October 15, 2001, we indicated that the MTX 10.0 software load that was required to achieve TTY compatibility was targeted to be available in the fourth quarter of this year. However, continued discussions with Nortel have shown that in order for our network to become TTY compliant, we will have to continue down the path of splitting from a dual load wireless/wireline switch to a standalone switch for each of the technologies. The timeline for completing this project is beyond the December 31, 2001 deadline, established in the *Fourth Report and Order*, in CC Docket No. 94-102, for having the software in house. Under the current Nortel switch configuration, we are only able to operate on the MTX 9.0 software platform. In order to be TTY (as well as E911 Phase II) compliant, software load MTX 10 would be required. However, as indicated in our Request for Rule Waiver, filed September 12, 2001 in this docket, Nortel had made a business decision that MTX 9.0 would be the last software upgrade to our DMS-100 Dual Load/Wireless on Wireline switch. Accordingly, the software needed to achieve TTY and Phase II compliance will not operate on our existing switch configuration. This means that we are required to transition our infrastructure to separate wireline/wireless switching platforms in order to achieve TTY and Phase II compliance. Other pertinent issues that arise with this switch split are cost and space. We are looking at incurring costs of approximately \$500,000 to be paid to Nortel for a new switch, and over \$300,000 for a building expansion in order to house the new switch. To make a bad situation even worse, we have not yet received a quote or timeline for this project from Nortel, despite our persistent efforts. We have been working to receive all the information since March 2001 to no avail; and we believe that the apparent high turnover rate of sales and project management personnel at Nortel has been a contributing factor. This would be a burden on any carrier, but to a small carrier such as 3 Rivers, having to contend with the situation where the switch that we bought only four years ago is now defunct due to lack of support from the vendor, is especially burdensome.
- 2) **Handset Development and Testing Plans** – In our third quarterly report, we indicated that Kyocera had expected to have a handset ready for testing in the fourth quarter of 2001. However, upon further contacting Kyocera, it appears that they will not be able to meet their expectations. In addition, we have contacted Nokia and found that all they currently have is a loop set that is still an accessory based solution.
- 3) **Beta Testing and Lab Testing** – No changes to report from the information provided in our third quarterly filing.

- 4) **Release and General Availability to Carriers of Network Infrastructure Software** – We are still unable to determine a firm date at this time on when the software will be available due to the fact that we will need to change our switch configuration in order to become compliant. The software that will work on our switch is not TTY compliant.
- 5) **Availability to Carriers of Full Digital Acceptance Test Units** – Unable to determine a firm date at this time with any manufacturer or vendor.
- 6) **Efforts Toward Achieving Digital Wireless Solution Compatibility with Enhanced TTY** – See item 1. No further changes to report from the information provided in our third quarterly filing.
- 7) **Carrier Coordination of Testing with PSAP** – 3 Rivers will test with the PSAPs in the areas where this service will be deployed. All coordination with the PSAPs will be done on a case-by-case basis.
- 8) **Carrier Testing Activities, Including Field Testing, Consumer and End-to-End Testing, and Other Necessary Tests** – Each of these will be tested once equipment, software availability, deployment, installation, and turn up are completed.
- 9) **Retail Availability of Necessary Consumer Equipment** – Unable to determine the retail availability of consumer equipment, as none of the handset manufacturers has been able to release a date for general availability.
- 10) **Geographic Scope of Network Infrastructure Deployment** – Because we will have to split our present dual load switch to operate separate wireless and wireline platforms, our complete wireless network will be on one switch. Therefore, deployment will be across our entire network once we have completed the switch split. Likewise, as TTY compliant handsets become available we will offer them in all of our retail locations.